

**City of Columbus
Regular City Council Meeting
June 14th, 2017**

The June 14th, 2017 meeting of the City of Columbus City Council was called to order at 7:00 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Jeff Duraine, Bill Krebs, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Kris King, Paul Peskar, John Young, Joe Bazey, Stacey Jensen, Peter Scharbach, Jody Krebs, Pat Preiner, Jesse Preiner, Mary Preiner, Public Works Superintendent Jim Windingstad, Julia Parent (Forest Lake Times), Commander Bryon Fuerst (Anoka County Sheriff's Office), and Teri Hodges (LATV).

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:00 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Approval of the City Council Meeting Minutes 05.24.17**
- 4. Motion – Approval of the City Council Special Meeting Minutes 06.02.17**
- 5. Motion – Agenda Approval with Additions**
- 6. Motion – Pay Bills as Posted in the amount of \$70,962.57**

Motion by Peterson to approve the consent agenda items 3-6. Seconded by Daly. Motion carried unanimously.

C. PRESENTATIONS

7. Anoka County Sheriff's Office Quarterly Update (Commander Bryon Fuerst)

Commander Bryon Fuerst from the Anoka County Sheriff's Office presented a quarterly report for services in Columbus. Since January of 2017, there have been around 400 incidents including accidents, arrests, thefts, and other such activity. One concern for the Sheriff's Office is frequent auto theft from businesses located on Lake Drive. Commander Fuerst said that they will be setting details and adding extra patrol of the area to try and decrease the number of thefts.

Council Member Duraine asked if all their squad cars are carrying Narcan? Fuerst replied that in the past only Sergeant's cars carried the opiate antidote, however they are in the process of adding it to all squad cars. Mayor Povolny asked how having a drone was working out for them. Fuerst replied that it is a good addition, and is particularly helpful in scenarios like a search and rescue or active pursuit. Fuerst also said that if a drone is used as part of an investigation then a search warrant is required.

Lastly, Mayor Povolny asked about the intersection of Potomac Street NE and W Broadway Avenue; Povolny claims that cars which are driving west and attempting a left turn onto Potomac

Street NE are frequently passed by cars going at high speeds through the right turn lane (which is illegal). Fuerst replied that they are considering the possibility of patrolling the area further, however the best solution may involve reworking that intersection from an engineering perspective. City Administrator Elizabeth Mursko said that she would be happy to discuss the engineering of that intersection with Anoka County.

8. Planning Commission Report

Commissioner Jim Watson presented the Planning Commission report. The Planning Commission presented three items to the Council, with unanimous recommendations for approval.

5036 197th Avenue NE Variance Request

The first is a variance request from Peter Scharbach of 5036 197th Avenue NE in order to build an accessory building three feet from the side lot line instead of the required ten feet. His property is located on Coon Lake, where lots are especially narrow (Scharbach's is 41 feet). Commissioner Watson mentioned that the accessory building will have gutters which point toward Scharbach's driveway and away from the neighboring property. Mursko recommended that the Council include this gutter placement as a condition with approval.

Motion by Daly to approve (PC-17-106) the variance request for 5036 197th Avenue NE, with the condition that gutters must be included on the accessory building and be pointed away from the closest neighboring property. Seconded by Krebs. Motion carried unanimously.

Peterson Companies IUP Request

Secondly, Peterson Companies applied for an IUP to allow concrete bunkers to remain in place at their 9218 Lake Drive property. Peterson Companies used to have an IUP for the same purpose, however that IUP is set to expire June 30th 2017. Peterson is asking for a five-year IUP, to weather construction that will be happening in the area, and to make an educated decision on what to do with the property after construction is completed. Mayor Dave Povolny asked if the Council would consider granting the IUP for three years instead of five, because construction on the bridge will be completed in roughly three years. Duraine and Daly agreed they would like the IUP to be for three years instead of five. Watson said that the Planning Commission considered three years, but ultimately went with five because that would give Peterson more time to collect funds for potentially building a new business. Krebs commented that the concrete bunkers are a non-conforming use, and he would like to see that change to conforming as soon as possible. Mursko added that the Planning Commission included the condition that no other business or activity will be allowed at this location without approval from the City Council. Mayor Povolny suggested adding another condition that the concrete bunkers must be kept in good condition, because he and other Council Members have noticed that the plastic on the bunkers is falling off the building and looks in disarray.

Motion by Peterson to approve (PC-17-107) the Peterson Companies IUP request (dated 05.01.17) for a five-year term, subject to findings of fact and conditions 1-9 as outlined in

the Planner’s Memo (dated 05.17.17), as well as the two conditions mentioned above, at the 9218 Lake Drive, Columbus MN location. Seconded by Krebs. Votes were as follows; Krebs – aye, Duraine – nay; Povolny – aye; Daly – nay; Peterson – aye. Motion carries.

Peterson Companies IUP Findings of Fact:

1. Peterson Companies, Inc. (“Peterson”) submitted an IUP application on April 7, 2017 to operate salt/sand storage for its snowplowing business at 9218 Lake Drive (“Property”). The application was found incomplete.
2. An updated IUP application, received by the City on May 2, 2017, was found complete.
3. The 60-day review period ends on July 1, 2017. The 120-day review period, if necessary, ends on August 30, 2017.
4. Peterson received an IUP on April 8, 2015 to operate salt/sand storage on the Property for its snowplowing business, which expired on May 31, 2016.
5. Peterson previously constructed two contiguous concrete walled, wood and metal framed structures, which are approximately 80 feet long and a combined width of approximately 45 feet.
6. The roofs are approximately 24 feet in height and are covered with ‘greenhouse plastic.’
7. The temporary structures were to have been removed from the Property no later than June 30, 2016.
8. The 2017 IUP application is similar to the 2015 IUP application.
9. The Property will be used only by Peterson employees for access to salt/sand storage for use in its snow removal business, excepting third party vendors delivering salt and sand.
10. Truck traffic during an average snow event (less than 10 inches) is estimated at approximately eight trucks per day.
11. Peak truck usage for major snow events (greater than 10 inches) is estimated at approximately ten trucks per day.
12. A front end loader and skid steer loader will be left on the Property during the snow season.
13. Except for year round site maintenance, delivery of salt and sand in the snow season, and the loading of dump trucks with salt/sand mix during snow events, no other use of the Property is proposed.
14. Access to the Property is provided via the existing gated access on Lake Drive.
15. There will be no fuels stored or dispensed on the Property and no hazardous materials will be used or stored on the Property.
16. Peterson has requested a five-year permit.
17. The Planning Commission held a public hearing on June 6, 2017 to consider the proposed Peterson IUP.

Peterson Companies IUP Conditions of Approval:

1. Access to the Property is subject to jurisdiction by Anoka County.
2. Use of the Property is limited to year round site and building maintenance, year round communication tower access and maintenance, seasonal vendor unloading of bulk salt and sand, storage and blending of salt and sand, and seasonal load out of salt/sand during snow events.
3. Use of the Property for salt/sand blending, storage and load out during the snow season is limited to Peterson employees and vehicles.
4. Equipment storage on the Property shall be limited to a front end loader and skid steer

- loader during the snow season and during deliveries and processing of salt and sand.
5. There shall be no fuels or hazardous materials stored on the Property.
 6. The term of the IUP shall be valid from the date of City Council approval until _____.
 7. The salt/sand storage buildings shall be removed from the Property and the Property shall be restored to a pre-salt/sand storage buildings condition within 30 days of the expiration of the IUP.
 8. Peterson shall furnish the City with a cash escrow or letter of credit in the amount of \$50,000.00 to guarantee removal of the salt/sand structures and site restoration.
 9. Peterson shall reimburse the City for its out of pocket expenses incurred in the review and approval of the IUP, including any subsequent inspection and enforcement actions.

Running Aces Casio & Racetrack IUP Request

The last item from the Planning Commission is an IUP request from Running Aces Casino & Racetrack. This five-year IUP request is for activities that Running Aces would like to conduct in five different areas outside of the horse racing district on their property. Types of events include car shows, go-kart races, music festivals, and other similar functions. As part of the IUP, Running Aces understands that prior to each event they are required to provide additional detail to the City. The City of Columbus is in the process of developing the timeline and checklists that will be used to provide the individual IUP event details.

Motion by Krebs to approve (PC-17-108) the Running Aces Casino & Racetrack IUP request (dated 04.27.17) for events conducted outside of the horse racing district at 15201 Zurich Street NE, Columbus MN 55025, subject to findings of fact and conditions 1-21 as outlined in the Planner's Memo (dated 05.17.17). Seconded by Peterson. Motion carried unanimously.

North Metro Harness Initiative (Running Aces Casino & Racetrack) Special Events IUP Findings of Fact:

1. The City received an application for a Special IUP from Running Aces on April 27, 2017.
2. The 60-day review will terminate on June 26, 2017. The 120-day review, if necessary, will terminate on August 25, 2017.
3. The 2017 Special IUP application is similar to the 2012 Special IUP application.
4. There are 10 general categories of special events identified in the 2017 Special IUP application.
5. Four events (e.g., motorcycle & antique car staging events, shows [motorcycle/antique car shows and RV shows], and outdoor music) will be conducted in the main parking areas north of the card room/grandstand building.
6. Six events (e.g. expos [animal & hunting/camping expos], flea market & antique shows, Go-kart races and charity events, 5K/10K races, Halloween Hayride) will be conducted in the Barn area, with overflow parking in the north parking lots.
7. The application clearly notes that the park and ride lot will not be used on week days for any events.
8. Some of the events to be held in the north parking lot may require tents, vending, outside catering, satellite toilets, PA systems or special electrical needs.

9. Some of the events may include tents for vendors, food and beverage service. Food and beverage service is provided through Running Aces' catering and liquor licensing.
10. Some of the events may include PA systems.
11. Some events may require additional electrical services.
12. Some events may require satellite toilets.
13. Advanced notice must be provided to the City Building Official and Fire Marshal for any required approval for tent structures, vending, outside catering, satellite toilets, PA systems or special electrical needs.
14. Running Aces will take the responsibility of having the satellite toilets on the property if they are needed. Satellite toilets may be placed no more than 24 hours in advance of an event and must be removed within 36 hours of the event.
15. There may be overnight parking for exhibitor or vendor display vehicles, trailers, and equipment, but not overnight stays by participants. The exception to this may be RV overnight parking in accordance with Running Aces' RV policies, approved by the City.
16. Outdoor activities including any extra lighting and PA system usage will end at 11:00 p.m. and will be operated in compliance with the original Conditional Use Permit (CUP) for the race track.
17. Running Aces has identified several events that may require additional security personnel and law enforcement for "crowd" control and traffic management.
18. Running Aces has identified the need to coordinate off-site walk/run events (advance route planning and participant safety) with the City and County Sheriff.
19. Trash and recycling receptacles will be provided for each event.
20. The proposed events in the April 27, 2017 application are planned to occur between April and November, and without conflicting regular harness racing events.
21. The Interim Use Permit provisions in the Horse Racing (HR) District allow flexibility for non-date-specific events identified in the IUP, provided such flexibility is stated in the IUP and provided "proper notice is given to the City." Proper notice is currently defined as 15 business days.
22. The flexibility and implementation the City envisioned in issuing a Special IUP is elaborated in Section 7A-777E. of the City Code by requiring a Special Interim Use Permit Agreement based on the following criteria:
 - a. Site plans for each event subject to City Administrator approval;
 - b. Notification requirements and procedures for individual special events;
 - c. Sufficient security, parking and traffic control;
 - d. Plans for Site restoration and surrounding Site cleanup to be completed within 36 hours of the conclusion of each event;
 - e. Food Service is provided in accordance with permits and requirements under City, County and State regulations;
 - f. City Building Inspection of tents and temporary structures, as necessary, for each event;
 - g. Necessary limits on any amplified music regarding both level of noise and time of day; and,
 - h. Compliance with City and State laws on alcoholic beverage licenses and permits.
23. The Planning Commission held a public hearing on June 6, 2017 to consider the IUP application by Running Aces.

North Metro Harness Initiative (Running Aces Casino & Racetrack) Special Events IUP Conditions of Approval:

1. The applicant will be allowed flexibility in the number of Events within the Event categories included in the Running Aces April 27, 2017 Special IUP application and the dates on which the Events may occur, for City Administrator review and approval, provided:
 - a. Written notification from Running Aces of a specific Event is submitted to the City Administrator at least 15 business days before the Event is scheduled to take place.
 - b. The written notification includes the pre-approved description of the Event category from the Running Aces April 27, 2017 Special IUP application to the City.
 - c. The written notification includes a written summary of any activities that are a departure from the pre-approved description of the Event category from the Running Aces April 27, 2017 Special IUP application to the City.
 - d. Running Aces shall submit specific Event Site Plans to the City Administrator at least 15 business days before the Event is scheduled to take place.
2. The City Administrator shall approve the Special Event, provided the Special Event is consistent with the pre-approved description of the Event category from the Running Aces April 27, 2017 Special IUP application to the City.
3. The City Administrator may approve the Special Event, including a departure from the pre-approved description of the Event category in the Running Aces April 27, 2017 Special IUP application to the City, provided said departure is from an activity identified on the pre-approved description of other Events approved in the Special IUP.
4. In each Special Event approval, the City Administrator shall identify any specific security or traffic management measures that are required, and shall identify any specific building permit or electrical permit requirements and inspections that are necessary.
5. Any Special Event request that is not a pre-approved Event category described in the Running Aces April 27, 2017 Special IUP application to the City, may be referred to the City Council for consideration and approval consistent with the provisions in Section 7A-777D. of the City Code.
6. Each Special Event approved by the City Administrator or City Council shall be conducted consistent with the Event description in the Running Aces April 27, 2017 Special IUP application to the City, or as modified and approved by the City Administrator or City Council.
7. The park and ride lot (identified as Lot B in the Running Aces April 27, 2017 Special IUP application) shall not be used for Special Events on weekdays.
8. Overnight parking for Special Events shall be limited to unoccupied exhibitor or vendor vehicles, trailers, and equipment and RV parking consistent with the original North Metro Harness Initiative facility Conditional Use Permit (CUP).
9. Any off-site Events such as 5K/10K walk/race Events shall require advanced planning and approval by the City and Anoka County Sheriff's Department.
10. Food and beverage services associated with any approved Special Event shall be provided exclusively through Running Aces' food catering and alcohol licenses.
11. The use of any existing or supplemental site lighting for Special Events shall be consistent with the original North Metro Harness Initiative facility CUP and shall not

- be used between the hours of 11:00 p.m. and 6:00 a.m.
12. The use of any existing or supplemental public address systems shall be consistent with the original North Metro Harness Initiative facility CUP and shall not be used between the hours of 11:00 p.m. and 6:00 a.m.
 13. Animal wastes associated with an animal expo or other live animal approved Special Event shall be managed consistent with the original North Metro Harness Initiative facility CUP.
 14. Uncontained wastes, litter, and debris resulting from an approved Special Event shall be properly cleaned and contained from the Running Aces site, public rights-of-way, and adjacent properties within 24 hours of the end of the Special Event. The end of the Special Event shall mean the end of public or special invitees' activities on the premises.
 15. Litter and debris shall be properly cleaned and contained on a daily basis during the month-long planned Halloween Hayride event.
 16. Total site restoration (e.g. removal of trash, recycling, tents, vehicles, equipment, and all other external evidence of a Special Event) shall be completed within 36 hours of the end of the Special Event.
 17. All other operational aspects and conduct of Special Events shall be in compliance with the original North Metro Harness Initiative facility CUP.
 18. The operation and conduct of Special Events shall be in compliance with all other local, state, and federal ordinances, rules, and laws.
 19. The Term of the Special IUP shall be five years from the date of approval by the City Council, subject to annual administrative review.
 20. Running Aces shall execute a Special Events Interim Use Permit Agreement with the City and provide a Special Events Interim Use Permit deposit to cover the costs associated with Event mitigation.
 21. The Running Aces April 27, 2017 Special IUP application shall be attached as an Appendix to the Special IUP Agreement.

9. Public Open Forum

Stacey Jensen – Running Aces Casino & Racetrack

Stacey Jensen came forward as a representative from Running Aces Casino & Racetrack. She distributed live racing and event calendars, and announced that City of Columbus Night will be held on Tuesday July 25th, 2017. On this day, there will be special discounts for residents and employees of the City of Columbus.

10. Preiner Family Addition Easement Vacation

Mursko presented a resolution to the Council, which would set a public hearing for the vacation of ponding & flowage easements and a portion of a drainage and utility easement within the Preiner Family Addition plat. These easements will be reestablished in the Preiner Family Addition Plat to comply with subdivision requirements. Mursko recommended that the public hearing be set on June 29th, 2017 (the day after a regularly scheduled City Council meeting) to meet a 14-day deadline for publishing.

Motion by Peterson to approve Resolution 17-20, a Resolution setting a public hearing for June 29th, 2017 at 7:00 pm before the City Council in the City Hall located at 16319 Kettle River Blvd, Columbus MN. Seconded by Krebs. Motion carried unanimously.

11. Construction Technology Easement Vacation

Next, Mursko presented a second resolution which would also set a public hearing for the vacation of a portion of Humber Street NE in the City of Columbus, on June 29th, 2017 (the day after a regularly scheduled City Council meeting) to meet a 14-day deadline for publishing. Construction Technologies, LLC applied for the easement vacation to expand their garage condominiums located at 13405 Lake Drive, and develop an internal road servicing them. Joe Bazey (owner of Construction Technologies LLC) came forward to clarify that he will be turning the vacated portion of Humber Street NE into a cul-de-sac. Mayor Povolny asked if the cul-de-sac would be designed for emergency services and school buses to be able to turn around in? Bazey replied yes, because he will be using the City's cul-de-sac design.

Motion by Krebs to approve Resolution 17-21, a Resolution setting a public hearing for June 29th, 2017 at 7:00 pm before the City Council in the City Hall located at 16319 Kettle River Blvd, Columbus MN. Seconded by Peterson. Motion carried unanimously.

D. STAFF AND CONSULTANT REPORTS

12. Engineer Report

City Engineer Dennis Postler presented an update on ongoing improvements and developer's projects in the City.

The crack sealing and seal coating projects have been completed, the only thing left to do is sweep up the remaining rocks and gravel which will be done at the end of this week (June 15th and 16th). The paving of 159th Avenue NE and Xingu Street NE is also complete, apart from shoulder restoration and driveways being done at the end of next week. A pre-construction meeting for the paving of 141st Avenue NE and Furman Street NE was held, and the developer would like to start work early next week. Postler said that this was a change from the pre-construction meeting, and will work to get letters out informing the residents tomorrow (June 15th). If all goes well, the paving should be complete by the end of next week (June 23rd).

In terms of the Ziegler Water Tank Conversion project; water main bypassing was completed last week, and the driveway was being paved today (June 14th). Pumps will be installed in the next few weeks, which leaves the water tank cleaning and improvements to be completed shortly afterwards.

Thurnbeck Farms and Preiner's Preserve are currently in the process of dewatering and utility connections. Recent rain had somewhat delayed the schedule.

The TH 97 and I 35 bridge project was awarded to Schaefer Construction last week. They plan on keeping the bridge open for the entirety of construction (the on/off ramps will still have to close, however).

Lastly, Postler recently attended a meeting for the CSAH 54 realignment project where they discussed the location of the northern cul-de-sac on Evers Street NE, as well as some questions relating to the placement of the pedestrian trail. The trail is set to be on the south side of Lake Drive until the roundabout, at which point it will cross over to the east side of the new W Freeway Drive. In the southwest corner of that intersection (just south of the trail), there are plans to build a wet pond. Because the pond is wet, the installation of a fence between the trail and the pond is required. Postler reported that the City can either choose to combine both the pond and the trail for maintenance purposes or obtain an easement from Running Aces to maintain the fence and the trail. Mursko suggested that since the City is already going to be required to maintain the pond, it would make sense to also maintain the trail and the fence. Mayor Povolny asked for an estimate on the cost to put up a moderate fence. Public Works Superintendent Jim Windingstad replied that it cost roughly \$12,000 to put up 750 feet worth of fencing, so it would be reasonable to expect around 200 feet of fence to cost around \$3-4,000.

Motion by Peterson to maintain the trail and fencing along with the pond located on the southwest corner of the Lake Drive/W Freeway Drive roundabout. Seconded by Daly. Motion carried unanimously.

13. Attorney Report

Griffith presented some information from a question that was raised at a previous City Council meeting; whether the extension of internet service could be assessed to residents in a similar fashion as City project's like road paving are. The answer is yes, but the Council must decide what type of a majority they would like to see for approving such a project. With road paving projects, there needs to be a 51% majority in favor for it to move to the next stage (with the caveat that the Council will always make the final decision), and Griffith is wondering if the Council would like to use the same parameters for internet connections. Duraine said that he is against this idea. In contrast, Mayor Povolny expressed his support and said a 51% majority would work for him. Krebs stated that he would like to give residents the option to opt out of extending the service to their property if they'd like, and Griffith said that was possible. With approval from the Council, Griffith will add internet services to the City's assessment policy.

Motion by Daly to approve the addition of internet service to the special assessment policy. Seconded by Peterson. Votes as follows; Krebs – aye, Duraine – abstain, Povolny – aye; Daly – aye; Peterson – aye. Motion carries.

14. Mayor and City Council Member's Report

Mayor Dave Povolny

No report.

Council Member Duraine

Council Member Duraine attended the last cable commission meeting, where they discussed the audio/visual updates that are coming to the Columbus City Hall. He said that the cable

commission director will be contacting Mursko to continue the process. Mursko asked if Scandia is still in the cable commission? Duraine replied that they were originally going to send a representative but they have not yet done so.

Duraine also reported that the County Transit Improvement Board has disbanded. This Board collects a one quarter percent sales tax in order to fund transit projects such as light rail or bike trails. Since the Board has disbanded, the five metro counties that previously made up the board are now able to raise the sales tax to a half a percent. Duraine reported that Ramsey and Hennepin Counties have already raised their tax to a half a percent, while Anoka County is still at a quarter of a percent.

Council Member Daly

Council Member Daly reported that he recently experienced an emergency at his home, and was very impressed with the response time for paramedics and police. He also commended the professionalism of all those involved.

Council Member Peterson

No report.

Council Member Krebs

No report.

15. Public Works Report

Windingstad reported on road counters placed on Camp Three Road between Kettle River Blvd and Potomac Street NE. The road counters were added in response to a resident who was concerned about cars traveling at very high speeds down that road. Windingstad said the road counters went up on May 17th, 2017 for ten consecutive days. The average number of cars each day were 989 going westbound and 725.5 going eastbound. Griffith said his expectation for a residential road count is between 750 and 1,500 cars each day, and this study fits within that realm. Mursko also said that the Anoka County Sheriff's Office will be putting up speed study signs to get more information. May Povolny thanked Windingstad and said he would take the information under advisement.

Windingstad finished by saying the Land for Sale signs are not up, culvert replacement is almost complete, and that next week he will be attending a meeting about Pine Street's drainage issues.

16. City Administrator's Report

The City's new senior accountant for the City will be starting on Monday June 19th, 2017.

Treasurer's Report

No report.

E. ANNOUNCEMENTS & REMINDERS

**The next Planning Commission meeting is 06.21.17 at 7:00 p.m.
Calendar of Meetings.**

F. ADJOURNMENT

**Motion by Duraine to adjourn. Seconded by Peterson. Motion carried unanimously.
Meeting adjourned at 7:58 p.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator